



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,580	10/20/1999	KIM C. SMITH	98-0865	4351

32718 7590 05/06/2003

GATEWAY, INC.  
14303 GATEWAY PLACE  
ATTENTION: MARK S. WALKER (MAIL DROP SD-21)  
POWAY, CA 92064

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 05/06/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/421,580

Applicant(s)

KIM C. SMITH

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 02/19/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's Amendment filed 02/19/03 has been entered and carefully considered. Claims 1, 14, 27 and 40 have been amended. Claims 53-76 have been added. However, limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-76 are rejected under the same ground of rejection as set forth in the Office Action mailed (01/02/03)

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 6, 10-12, 14, 18-19, 23-25, 27, 31-32, 36-38, 40, 44-45, 49-51 and 53-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Goh [US. 5,678,015].

As to claims 1, 14, 27 and 40, Goh discloses at least two selectable targets displayed on at least a portion of said display (each window in figure 5 represents each selectable target); said at least two selectable targets capable of being displayed in a simulated rotation about an axis while remaining continuously selectable during said simulated rotation (column 6, lines 1-10); a cursor capable of being displayed on said display' a cursor control device

Art Unit: 2174

capable of controlling said cursor's position and movement on said display (column 4, lines 15-16).

As to claims 5, 18, 31 and 44, Goh also demonstrates interface is capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display (column 3, lines 47-60).

As to claims 6, 19, 32 and 45, Goh teaches the interface is capable of displaying said simulated rotation of said targets about said axis in a simulated three dimensional presentation (column 2, lines 37-52).

As to claims 10, 23, 36 and 49, Goh also shows the targets are displayed as an animated sequence of movement (column 1, lines 43-50).

As to claims 11, 12, 24, 25, 37, 38, 50 and 51, Goh discloses each of said at least two selectable targets is presented as a polygonal shaped target and polygonal shaped target is capable of displaying content on each of its user-visible sides (figure 6 and column 15, lines 15-35).

As to claims 53, 59, 65 and 71, Goh discloses "the simulated rotation is a 360 degree revolution in a substantially circular orbit about said axis" at figure 5.

The polyhedron rotates under the user's control so that each face is presented to the user. It is clearly that the user can view all of face of the polyhedron. That means the polyhedron can rotate 360 degree in circular orbit about the axis.

As to claims 54, 60, 66 and 72, Goh also discloses "said all of said at least two selectable targets are located at different points along a common orbit about

Art Unit: 2174

said axis during said simulated rotation". It is clearly that when the polyhedron rotates, each face (selectable target) located at different points (figure 5).

As to claims 55, 61, 67 and 73, Goh teaches "two or more of said at least two selectable targets are located in different orbits about said axis during said simulated rotation". Two faces (104, 106) rotate in one orbit. Other two faces (up and down) rotate in other orbit.

As to claims 56, 62, 68 and 74, also teaches "said different orbits are located in parallel planes"

As to claims 57, 63, 69 and 75 and 58, 64, 70 and 76, Goh shows "said axis substantially lies within a plane of a screen of said display". It is clearly that the axis lies within the plane (500) of figure 5.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 10-12, 15-17, 23-25, 28-30, 36-38, 41-43, 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh [US. 5,678,015] in view of Matthews, III et al. [US. 5,724,492].

As to claims 2, 15, 28 and 41, the difference between Goh and the claim is interface is capable of varying the displayed size of said targets during said simulated rotation about said axis. Matthews, III shows the feature at column 4,

lines 7-15 and column 15, lines 21-30. It would have been obvious to one of ordinary skill in the art, having the teachings of Goh and Matthews, III et al. before them at the time the invention was made to modify selectable targets taught by Goh to include displayed size of targets and shape of targets of Matthew Ell al., in order to allow the user to utilize the remainder of the display space to operate other applications as taught by Matthew III et al.

As to claims 3, 16, 29 and 42, Matthews et al. demonstrates targets are associated with a corresponding function capable of being performed in response to selection of said targets by a user via said cursor and said cursor control device (column 12, lines 10-38).

As to claims 4, 17, 30 and 43, Matthews et al. demonstrates interface is capable of displaying additional information, on at least a portion of said display, associated with a specific target when said cursor is positioned at least partially within said specific target's hotspot boundary (column 13, lines 3-23 and column 14, lines 17-25).

As to claims 7, 20, 33 and 46, Matthews et al. also teaches the interface is capable of providing focus to a specific target in response to said cursor being positioned at least partially within said specific target's hotspot boundary (column 3, lines 47-60).

As to claims 8, 9, 21, 22, 34, 35, 47 and 48, while Matthews et al. shows the cursor is capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor, Goh shows the

modification in the presentation of said cursor further comprises changing the shape of said cursor into a shape similar to a miniature version of the shape of said specific target (column 3, lines 47-60).

As to claims 13, 26, 39 and 52, Matthews et al. also discloses the targets are capable of remaining visible as said targets travel in a simulated rotation about said axis (column 20, lines 6-21).

### ***Response to Arguments***

Applicant has argued that Goh does not disclose "how a window is selected in the case where overlapping windows are shown". However, the Examiner does not agree because even though the user must rotate a target such that it is the top image layer and then select, the system of Goh (figure 5) still shows at least two selectable targets (104), (106) for the user to select from at the same time.

Regarding claims 5, 18, 31 and 44, Applicant argues that Goh does not disclose an interface that is "capable of modifying said targets being displayed on said display in response to a change in focus on content being displayed in another portion of said display". However, the Examiner does not agree. Applicant's attention is directed to column 1, lines 55-60 "the user may select one of six views of the object"; column 2, lines 22-25 "The user may view different icons by selecting different windows" and column 2, lines 6-11 "when the user "opens" the icon, the command represented by the icon is executed. Generally, an icon represents an application, which is launched when the command is executed". It is clear that the user can change "in focus on content" (select) of each target

Art Unit: 2174

at a time. If this object is selected, the other objects are un-selected and vice versa.

Next, Applicant has argued that "the combination of Goh and Matthew inappropriate". The Mathews and Goh systems both include at least two selectable targets simultaneously displayed in a simulated rotation about an axis. However, Mathews modifies the Goh system by showing the interface is capable of varying the displayed size of said targets during said simulated rotation about said axis (column 4, lines 7-15).

Regarding claims 4, 17, 30 and 43, Applicant also argued in Matthews, there is no "said interface is capable of displaying additional information, on at least a portion of said display; associated with a specific target when said cursor is positioned at least partially within said specific target's hotspot boundary".

However, Applicant's attention is directed to column 13, lines 2-10, "the text contained within the rectangular boundaries shown for purposes of ease of understanding. Moreover, the invention contemplates various types of data and control objects, including informational and control items similar to those supplied in conventional pull down menu" and column 14, lines 17-25 "...If the viewer presses the action key while the program panel is open, the channel is replaced by a "what's on" dialog, which provides additional information on the current program. It is clear that when the user points the cursor to the panel boundary (target) including hotspot boundary (dotted box), information is displayed.

Art Unit: 2174

Regarding claims 7, 20, 33 and 46, Applicant has argued in Goh and Matthews, there is no "providing focus to a specific target in response to said cursor being positioned at least partially within said specific target's hotspot boundary".

However, Applicant's attention is directed to column 13, lines 15-25 'A tap occurs when a user quickly places the tip of the stylus within the boundary associated with a data or control object and lifts it up, tapping the surface lightly on the display screen". It is clear that when the user positions the cursor on the boundary, the target is focused by "tapping the surface lightly on the display screen".

Regarding claims 8, 9, 21, 22, 34, 35, 47 and 48, Goh and Matthews do not disclose "the cursor is capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor and show the modification in the presentation of said cursor further comprises changing the shape of said cursor into a shape similar to a miniature version of the shape of said specific target". However, Matthews shows the cursor is capable of modifying its presentation into a shape similar to the shape of a specific target which is being given focus by said cursor at figure 6, column 4, lines 7-15 "The object is manipulated as it moves from the initial position to the final position in order to reveal the presence of each of the plurality of panels" while Goh teaches the modification in the presentation of said cursor further comprises changing the shape of said cursor into a shape similar to a miniature

Art Unit: 2174

version of the shape of said specific target" at column 3, line 65 through column 4, line 12.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Application/Control Number: 09/421,580

Page 11

Art Unit: 2174

Mylinh Tran

Art Unit 2174

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100